

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 377 - SB 585

March 23, 2023

SUMMARY OF BILL: Creates the *Patient's Rights Act*. Establishes certain rights for patients in the care of health care facilities, including: the right to administration of treatments; the right to alternative treatment available under emergency use authorization; the right to transfer or release from care; the right to access an advocate; the right to freedom from unreasonable restraint or sedation; the right to being roomed with family members; the right to a transplant; the right to avoid discrimination in admission or treatment; the right to privacy with regard to medical records; and the right to be given notice of rights.

Subjects a health care practitioner or health care facility who violates the Act to a fine of \$500 per day of the violation by the appropriate licensing authority until the practitioner or facility complies or otherwise remedies the violation to the satisfaction of the licensing entity.

Requires a health care provider or health care institution to provide a patient with two witnesses, if necessary, for the purpose of witnessing an advanced directive given to make health care decisions. Requires a health care institution to provide a patient, or the patient's agent, guardian, or surrogate, with an appropriate form for advance directives upon admission to the institution.

Requires a health care provider or health care institution to make the full medical record of the patient available to a requesting person within two business operating hours of the request. Requires a licensing authority to suspend the admission of patients to a health care institution that intentionally violates the *Tennessee Health Care Decisions Act*.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The proposed legislation will not have a significant impact on the policies or procedures of the Department of Health and the health-related boards. Any necessary rule changes can be accomplished utilizing existing resources.
- There is not estimated to be a significant number of fines issued for violating the proposed legislation.
- The proposed legislation will not have a significant impact on the Health Facilities Commission.
- Any fiscal impact to state and local government is estimated to be not significant.

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IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumption:

- Any impact to commerce or jobs in Tennessee will not be significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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